

**UNITED STATES BANKRUPTCY COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

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In re:	:
JOHNS-MANVILLE CORPORATION, et al.,	: Case Nos. 82 B 11656, Debtors. : 82 B 11657, 82 B 11660, : 82 B 11661, 82 B 11665 through : 82 B 11673 inclusive, : 82 B 11675, 82 B 11676 (CGM)
GENERAL MOTORS LLC,	:
Plaintiff,	:
v.	: Adversary No. 17-01032-CGM
MANVILLE PERSONAL INJURY SETTLEMENT	:
TRUST; and EDWARD D. ROBERTSON, JR.,	:
KIRK P. WATSON, and MARK A PETERSON in	:
their capacities as trustees,	:
Defendants.	:
	: ----- x

**ORDER GRANTING DECLARATORY RELIEF AND ENJOINING
PLAINTIFF'S CLAIMS AGAINST DEFENDANTS**

Before the Court was the motion by defendants Manville Personal Injury Settlement Trust (“**Manville Trust**”), Edward D. Robertson, Jr., Kirk P. Watson, and Mark A. Peterson, to dismiss the amended complaint filed in this adversary proceeding [ECF No. 11].

For the reasons stated on the record on July 20, 2017, and as stated more fully in the Court’s Memorandum Decision [ECF No. 27], the Court having found that pursuant to the Order Confirming Debtors’ Second Amended and Restated Plan of Reorganization in the above-captioned bankruptcy proceedings, dated December 22, 1986 (the “**Confirmation Order**”), it retains jurisdiction to enforce all orders, judgments, injunctions, and rulings entered in connection with those bankruptcy proceedings, including the channeling injunction contained in

the Debtors' Second Amended and Restated Plan of Reorganization and the Confirmation Order (the "**Channeling Injunction**"), and upon review of all the papers filed in support of and opposition to defendants' motion [ECF Nos. 12, 13, 14, 19, 20, 25, and 26], and upon the proceedings had herein, it is hereby

ORDERED that General Motors LLC's claim against the Manville Trust in the action currently pending in the Court of Common Pleas of Henry County, Ohio under the caption *General Motors LLC v. Bolen et al.*, No. 16-CV-0089, seeking to recover against the Manville Trust under OHIO REV. CODE ANN. § 4123.931 (the "**State Court Action**"), is hereby **ENJOINED** pursuant to the Channeling Injunction and pursuant to *In re Joint E. & S. Districts Asbestos Litig. (Findley v. Falise)*, 878 F. Supp. 473, 573 (E.D.N.Y. & S.D.N.Y. 1995) ("**Findley II**"), *aff'd sub nom. In re Joint E. & S. Dist. Asbestos Litig.*, 100 F.3d 944 (2d Cir. 1996), and *aff'd sub nom. In re Joint E. & S. Dist. Asbestos Litig.*, 100 F.3d 945 (2d Cir. 1996), and *aff'd in part, vacated in part sub nom. In re Joint E. & S. Dist. Asbestos Litig.*, 78 F.3d 764 (2d Cir. 1996); **and it is further**

ORDERED that General Motors LLC's only recourse against the Manville Trust for the claim asserted in the State Court Action is to follow the procedures set forth by the Manville Trust's Trust Distribution Process; **and it is further**

ORDERED that this Court retains jurisdiction to interpret and enforce all orders, judgments, injunctions, and rulings entered in connection with these bankruptcy proceedings, including the Confirmation Order and *Findley II*.

Dated: July 31, 2017
Poughkeepsie, New York



/s/ **Cecelia G. Morris**

Hon. Cecelia G. Morris
Chief U.S. Bankruptcy Judge